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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,204	01/08/2007	Bruno Gaus	4266-0120PUS1	8817

2292 7590 07/19/2010

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EXAMINER	
VANDEUSEN, CHRISTOPHER	
ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
07/19/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/576,204	GAUS ET AL.	
	Examiner	Art Unit	
	Christopher K. VanDeusen	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-10* is/are pending in the application.

4a) Of the above claim(s) *7-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1 and 3-6 in the reply filed on 05/10/2010 is acknowledged. The traversal is on the ground(s) that consideration of claims 7-10 would require consideration of claims 1 and 3-6. This is not found persuasive because the common technical features of the inventions remain established in the prior art. As such, the inventions remain without unity *a posteriori* and the restriction maintains the requirements of the Unity of Invention standard.

The requirement is still deemed proper and is therefore made FINAL.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berendsen '406, in view of Erickson, US Patent 6290558, and McPhail, et al, WO00/59553.

Regarding claim 1, Berendsen '406 teaches a method of cooling cleaned and disinfected objects contained in a chamber of an automatic washing machine as claimed, including:

a) the cleaning of the items carried out using water with addition of auxiliary agents (col.4, lines 5-8),

b) disinfecting the cleaned items with heat (col. 3, line 55 – col. 4, line 3),

c) air being forcibly introduced into the closed chamber after the heat treatment of objects (6, 23, and 26 of figure 2 and col. 7, lines 8-31), and

d) the exhaust air being conveyed out of the closed chamber into an outflow, through an exhaust duct (29.4, 27, 9, and X of figure 2; col. 7, lines 26-29).

Berendsen '406 does not teach that the exhaust duct has an exhaust valve, wherein the outflow contains a siphon bend, and the exhaust duct opens into the outflow at a location downstream of the siphon bend.

In an analogous art of fluid flow devices, Erickson '558 teaches a method wherein an outflow contains a siphon bend and an exhaust duct opens into the outflow at a location downstream of the siphon bend (figure 7; col. 5, line 60 – col. 6, line 10) in order to mix the output streams efficiently (col. 6, lines 11-35).

Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to have provided a method wherein the outflow contains a siphon bend and the exhaust duct opens into the outflow at a location downstream of the siphon bend in the method of Berendsen '406, in view of Erickson '558, in order to mix the output streams efficiently.

The combination of Berendsen '406 and Erickson '558 does not teach a method wherein the exhaust duct has an exhaust valve and wherein the exhaust valve conveys air from the device.

In the analogous art of sterilization devices, McPhail '553 teaches a method wherein an exhaust duct contains an exhaust valve (122 of figure 8; pg 13, lines 1-5) and the exhaust valve conveys air from the device (pg 13, lines 1-5) in order to regulate the pressure in the device (pg 13, lines 1-5).

Therefore it would have been obvious to one of ordinary skill in the art at the time of

invention to have provided a method as claimed in view of Berendsen '406 and Erickson '558, in further view of McPhail '553, in order to regulate the pressure in the device.

7. Regarding claim 3, Berendsen '406, Erickson '558, and McPhail '553 teach a method of claim 1, as applied above.

Berendsen '406 further teaches that an additional drying of cleaned items will take place during prolonged duration of the removal of moist exhaust air (col. 5, lines 5-8) and that the removal takes place while the chamber door is closed (col. 7, lines 23-29). It is implicit in the reference that additional discharge of residual heat will take place as more air is flushed through.

8. Regarding claim 5, Berendsen '406, Erickson '558, and McPhail '553 teach a method of claim 1, as applied above.

Berendsen '406 further teaches that the operating means can be activated by the control panel (90 of figure 1; 26 and 50 of figure 2; col. 7, lines 8-14; and col. 10, lines 40-47) in order to reduce the risk of human error in the machine's operation (col. 8, lines 40-47). Providing automatic shut-off elements in the exhaust air duct and in the intake air duct, respectively, for controlling the flow of intake air and exhaust air, would be obvious as a matter of enabling this teaching.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further provided automatic shut-off elements in the exhaust air duct and in the intake air duct, respectively, for controlling the flow of intake air and exhaust air, in the method of Berendsen '406, Erickson '558, and McPhail '553 in order to reduce the risk of human error in the machine's operation.

9. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berendsen '406, Erickson '558, and McPhail '553 and as applied to claims 1 and 3 above, and further in view of Sanford '160 (already of record).

Regarding claim 4, Berendsen '406, Erickson '558, and McPhail '553 teach the method of claim 1 but do not specify the use of ambient air for the cooling of objects; rather, it specifies the use of compressed air.

However, Berendsen '406 additionally teaches that flushing through air accelerates the cleaning process by discharging condensation and residual heat (col. 5, lines 5-8).

In an analogous art of instrument cleaning methods, Sanford '160 teaches the circulation of ambient air in cooling objects after steam sterilization (col. 5, lines 3-7) as an equivalent method of accelerating the cleaning process.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to circulate the ambient air of Stanford '160, as an alternative equivalent in the method of Berendsen '406, Erickson '558, and McPhail '553, in order to accelerate the cleaning process.

10. Regarding claim 6, Berendsen '406, Erickson '558, and McPhail '553 teach a method of claims 1, 3, and 5, as applied above; Berendsen '406, Erickson '558, McPhail '553, and Stanford '160 teach a method of claim 4, as applied above.

Stanford '160 additionally teaches air admitted through the air intake duct of the chamber is guided through a microfilter (80 of figure 1; col.2, lines 54-58; col. 5, lines 3-7) in order to provide decontaminated air for drying.

Therefore it would have been obvious to one having ordinary skill in the art of steam

sterilization to provide a sterilizing means such as a filter for the drying air in the method of Berendsen '406, Erickson '558, McPhail '553, and Stanford '160, in order to provide decontaminated air for drying.

Response to Arguments

11. Applicant's arguments filed 05/10/2010 have been fully considered but they are not persuasive.

The Applicant argues that there is no disclosure of cleaning items that are disposed in a chamber. The Examiner acknowledges this assertion, but disagrees. Berendsen '406 discloses a chamber (cupboard 3 of figure 1; col. 5, lines 52-55) in which instruments are cleaned (abstract). While this may not be the same type of apparatus claimed, the prior art reads on the limitations as currently recited.

Applicant argues that there is no disclosure of air being introduced into the chamber. The Examiner acknowledges this assertion, but disagrees. Berendsen '406 discloses the introduction of air into the chamber (col. 5, lines 5-11; col. 9, lines 6-12).

12. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Specifically, the arguments related to the amended claim limitations have been addressed by the prior art applied in the instant Rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. VanDeusen whose telephone number is (571) 270-5020. The examiner can normally be reached on Monday - Friday, 8:30 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on (571) 272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CKV/

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797